

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AMADO RIVAS,

Plaintiff,

vs.

No. 2:13-cv-00028-WJ-LAM

THE UNITED STATES OF AMERICA,

Defendant.

PRIVACY ACT AND LAW ENFORCEMENT MATERIALS PROTECTIVE ORDER

THIS MATTER having come before the Court upon Defendant's *Unopposed Motion for Privacy Act and Law Enforcement Materials Protective Order* (Doc. 23), and it appearing that disclosure of (1) materials protected by the Privacy Act, 5 U.S.C. § 552a, including employment and medical records, and (2) sensitive law enforcement materials may be necessary to the resolution of this action, and Plaintiff having no objection,

IT IS THEREFORE ORDERED that the motion for protective order is **GRANTED**, and Defendant United States of America, through the United States Attorney's Office, is authorized to release to counsel for Plaintiff government records containing potential Privacy Act protected information, without obtaining prior written consent of the individual(s) to whom such records pertain, and to release records containing the government's law enforcement policies and procedures. Furthermore, the parties are authorized to disclose these materials to the Court.

The following additional protections apply to the United States Attorney's Office and Plaintiff's counsel:

1. The materials and information protected by the Privacy Act and Law Enforcement Materials Protective Order shall be designated as such when disclosed.

2. Access to the materials and information shall be limited to the parties, counsel for the parties, including agency counsel, law clerks, paralegals, secretaries, experts, lay witnesses, whether or not formally designated as such, and other personnel in their employ, as well as any other person mutually authorized by all counsel to examine such material.

3. Any person having access to the materials and information subject to this Order shall be informed that it is confidential and subject to a Protective Order of this Court.

4. Except as otherwise provided herein, no person having access to this protected material and information shall make public its disclosure without further order of the Court or stipulation of the parties.

5. All materials and information protected by this Order which need to be filed with the Court shall be filed under seal.

6. The material and information disclosed pursuant to this Order shall be destroyed or returned to counsel for Defendant United States within sixty (60) days after the conclusion of all proceedings, including any settlement, trial or appeal; it shall be the obligation of the holder of protected information to return or destroy the information as set forth under this paragraph.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE

Submitted by: *(Prior to modification by the Court)*

/s/ J. Cole Hernandez 6-21-13

J. COLE HERNANDEZ

Assistant U.S. Attorney

Attorney for Defendant

APPROVED:

Electronic approval 6-21-13

CONNIE QUINTERO

Attorney for Plaintiff